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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 5th November, 1982:—

BILL No. 96 OF 1982

A Bill to provide for the creation of public trusts for the management of properties of temples, "muths" and other institutions devoted to religious purposes.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Management of Properties of Temples, Muths and other Religious Institutions Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. A public trust shall be set up for the management of every temple "muth" or other institution devoted to religious purposes and all properties belonging to such institution shall vest in that trust.

3. After the commencement of this Act, private trusts already functioning for the management of temples, "muths" and other institutions devoted to religious purposes shall be converted into public trusts.

Short title, extent and commencement.

Trusts to be set up for institutions devoted to religious purposes.

Private trusts to be converted into public trusts.

Trust
Committee
to be
formed
for each
Trust.

4. A Trust Committee shall be set up for every trust formed under sections 2 and 3 to look after the affairs of the respective temple, "muth" or other institution devoted to religious purposes, and to manage its finances.

No priest
to have
exclusive
rights in
the prop-
erties of
institu-
tions
devoted to
religious
purposes.

5. No priest or other person in the service of a temple, "muth" or other institution devoted to religious purposes shall enjoy any exclusive right in the properties belonging to such temple, "muth" or other institution devoted to religious purposes.

Priests
and other
persons
serving re-
ligious
institu-
tions to
be paid
employees
only.

6. The priests and other persons attached to temples, "muths" and other institutions devoted to religious purposes shall be only paid employees of the respective trust and they shall not enjoy any hereditary rights in the properties of such temples, or "muths" and other institution devoted to religious purposes.

Number
of priests
to be fix-
ed by
the Trust
Com-
mittee for
each
temple,
muth, etc.

7. The Trust Committee shall decide the number of priests to be engaged for the respective temple, "muth" or other institution devoted to religious purposes.

Existing
Central
and State
laws to
continue
to be in
force.

8. Existing Central or State laws, if any, passed for the management of the properties of places of worship and other religious institutions of any individual communities or for setting up of trusts or boards for regulating the management of the properties of such places of worship and other religious institutions shall continue to be in operation to the extent to which the provisions of such existing laws are not repugnant to the provisions of this Act.

Existing
arrange-
ments
to con-
tinue if
the annual
yield of
proper-
ties of a
place of
worship,
etc. does
not ex-
ceed
Rs. 10,000
per year.

9. Notwithstanding the provisions of this Act, the existing arrangements for the management of the properties of places of worship or other religious institution may continue to operate if their yield does not exceed rupees ten thousand per year.

10. The executive power to manage the affairs of a trust formed under this Act shall vest in an officer of the trust appointed by the Government, who shall implement the policies laid down by the Trust Committee and the Government from time to time in respect of such trust.

Each Trust to have an executive officer.

11. The Central Government shall cause the annual auditing of the accounts of the trusts, set up under the provisions of this Act, by auditors duly appointed by that Government, and the remuneration to the auditors shall be payable by the trust at a rate prescribed by the Government.

Trust to be audited by Government appointed auditors.

12. The Central Government shall make rules for carrying out the purposes of this Act.

Power to make rules

STATEMENT OF OBJECTS AND REASONS

At present, a large number of temples, "muths" and other places of worship are managed by private trusts and their funds are misappropriated in various ways. In the case of some temples and "muths" there are no trusts at all, private or public, and the priests are all in all for their management.

The temple priests and heads of the "muths" in most cases enjoy unchecked and exclusive rights in the properties of those institutions and divert their funds to their own selfish ends. In the case of some temples and 'muths', the priests are like zamindars enjoying unbridled rights over vast temple or muth estates and are exploiting the interests of other persons in the service of those temples.

Some places, though ostensibly intended to be places of worship and other religious activity, sometimes tend to be centres of anti-social activities, because of the money power wielded by their priests; and the purposes for which they have been created are totally ignored.

It is high time that the affairs of the temples, "muths" and other places of religious activity should be brought under the purview of public trusts and their accounts duly audited by Government appointed auditors.

Hence this Bill.

NEW DELHI;

April 26, 1982.

RANJIT SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill provides for prescribing by the Central Government the rate of remuneration payable to an auditor. Clause 12 empowers the Government to frame rules for carrying out the purposes of the Act. As the rules will relate to matters of detail only, the delegation of power is of a normal nature.

BILL NO. 101 OF 1982

A Bill further to amend the Land Acquisition Act, 1894.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Land Acquisition (Amendment) Act, 1982.

Amend-
ment of
section 4.

2. In section 4 of Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), in sub-section (1), the following proviso shall be added, namely:—

1 of 1894

“Provided that no such notification shall be issued unless the appropriate Government has formulated a scheme for the immediate utilisation of land for a particular purpose, for which it is likely to be needed.”.

Amend-
ment of
section 6.

3. In section 6 of the principal Act,—

(i) in sub-section (1),—

(a) the first proviso shall be omitted; and

(b) in the second proviso, the word “further” shall be omitted;

(ii) after sub-section (3), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from 1 January 1957, namely:—

“(4) Notwithstanding anything contained in this Act, where the acquisition of any particular land covered by a declaration under sub-section (1) of this section, is not completed (including payment of compensation to the owner) within one year from the publication of notification under section 4, sub-section (1), or the land so acquired has not been utilised for the particular purpose for which it was acquired within three years from its acquisition then—

(a) if no compensation has been paid or offered to the owner for such land and the land has not vested in the Government, the Government shall be deemed to have withdrawn from its acquisition; and

(b) if the land has vested in the Government but the same has not been utilised for the particular purpose for which it was acquired, within three years from its acquisition, the same shall be deemed to have been re-vested in the owner on refund by the owner of the amount of compensation, if any, received by him together with any interest received by him.”.

4. In section 23 of the principal Act,—

(i) in sub-section (1), the following proviso shall be added at the end and shall be deemed to have been added with effect from 1 January 1957, namely:—

Amendment of section 23.

“Provided that in all cases of acquisition, after 1957 and prior to the commencement of the Land Acquisition (Amendment) Act, 1982, where the Collector's award under Section 11 has been made after two years of the notification under section 4, sub-section (1), the market-value of the land at the date of making such award shall be taken into consideration instead of the market-value at the date of such notification.”;

(ii) in sub-section (2), for the words “fifteen per centum”, the words “twenty-five per centum” shall be substituted and shall be deemed to have been substituted with effect from 1 January, 1957.

5. In section 34 of the principal Act, for the words “with interest thereon at the rate of six per centum”, the words “with compound interest thereon at the rate of twelve per centum” shall be substituted and shall be deemed to have been substituted with effect from 1 January, 1957.

Amendment of section 34.

STATEMENT OF OBJECTS AND REASONS

Even since the enactment of the Land Acquisition Act, 1894, a farmer had to part with his land declared to be needed for a public purpose. Previously, however, the demands on agricultural land were few and far between. But in the last three decades, when planned development of big towns and their expansion was taken up by the Government, this Act was used for acquiring vast areas of land on a large scale. This resulted in a big gap, ranging from five to twenty years, between the date of notification under section 4, which is the determining date for the market value of the land, and the actual acquisition of the land. This virtually amounted to freezing of the prices of land of villagers for use of the better off people, which is totally unjustified.

An attempt was made in 1967 to reduce this gap by enacting the Land Acquisition (Amendment and Validation) Act, 1967, wherein a provision was made that as regards lands notified for acquisition under Section 4 of the Act prior to the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, no declaration shall be made after the expiry of two years from the commencement of the said Ordinance and as respects lands notified for acquisition under section 4 after the commencement of the said Ordinance no declaration shall be made after the expiry of three years from the publication of such notification under section 4. This was done to ensure that the land acquisition proceedings do not linger on for unduly long time and thereby mitigate the hardships suffered by the landowners due to the freezing of their lands for a long period without completion of the acquisition proceedings. However, in actual practice it has been seen that this provision has not brought the intended relief to the landowners and the object is being defeated by circumventing the provisions by issuing declarations within the prescribed period of two or three years respectively and thereafter sleeping over the matter without any further follow up action.

It has also been noticed that lands have been notified for acquisition without prior formulation of a proper scheme for its utilisation within a time bound schedule.

The rate of interest of six per centum payable on delayed payments of compensation prescribed in the Act is too low while the actual interest rate prevailing in the market has increased many fold. The rate of solatium also needs to be reviewed. There has been discussions in the Parliament not only to amend the Act for dispensation of justice to the villagers but also for amending the Act with retrospective effect so that the glaring cases of injustice could be compensated.

It is, therefore, desirable that the Act should be so amended as to ensure the following:—

(a) No notification under section 4 be issued unless the appropriate Government has formulated a scheme for the immediate utilization of the land for the particular purpose for which it is likely to be needed;

(b) The acquisition proceedings (including the payment of compensation to the owner) should be duly completed within one year from the publication of the notification under section 4(1);

(c) The acquired land should be duly utilised for the particular purpose for which it is acquired within three years from its acquisition and if it is not so utilised it should revert to the owner on refund of the amount of compensation received by him alongwith interest at the rate at which government has paid it to the owner;

(d) In all cases of acquisition from 1957, when acquisition of land for planned development began, where the Collector's award was made after two years of the notification under section 4, subsection (1), the determining date for market-value should be the date of the award and not the date of notification under section 4(1);

(e) rate of interest for delayed payments should be raised to twelve per centum compound interest instead of six per centum simple interest as at present;

(f) The rate of solatium should be raised from fifteen per centum over the market value to twenty five per centum.

The Bill seeks to achieve the above objectives.

NEW DELHI;
June 3, 1952

GEORGE FERNANDES.

FINANCIAL MEMORANDUM

Clause 4(i) of the Bill provides that in all cases of acquisition of land where Collector's award of compensation has been made after two years of the notification for acquisition of land, the market-value of the land shall be taken to be the market-value of the land on the date of making of such award of compensation. Clause 4(ii) provides for increasing the solatium from fifteen per centum to twenty-five per centum of the market-value of the land. Clause 5 provides for the payment of compound interest at the rate of twelve per centum per annum on the amount of compensation awarded from the time of taking possession of land by the Collector until the amount of compensation has been paid or deposited. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two crores per annum.

No non-recurring expenditure is likely to be involved.

BILL NO. 137 OF 1982

A Bill to provide for cattle insurance in the country.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Cattle Insurance Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short
title,
extent
and com-
mence-
ment.

2. In this Act, unless the context otherwise requires,—

Defi-
nitions

(a) "cattle insurance" means insurance for the cattle;

(b) "Corporation" means the General Insurance Corporation of India established under the General Insurance Business (Nationalisation) Act, 1972;

(c) "Government" means the Central Government;

(d) "insured party" means any owner of cattle covered by the insurance contract.

Cattle insurance by General Insurance Corporation.

3. The General Insurance Corporation of India shall undertake the business of cattle insurance.

Amendment of Act 57 of 1972.

4. In the General Insurance Business (Nationalisation) Act, 1972, after section 18, the following new section shall be inserted, namely:—

Functions of the Corporation regarding cattle insurance.

“18A. Subject to the provisions of this Act, and the rules, if any, made by the Central Government in this behalf, it shall also be the duty of the Corporation to—

(a) carry on cattle insurance of the cattle, including calves, against—

(i) death due to disease, accident or natural calamity;

(ii) death due to exhaustion caused by climatological phenomena or by agricultural chemicals affecting grazing land or by drought or by such diseases and risks as may arise as a result of animal health measures prescribed by the appropriate authorities;

(iii) death during transportation of cattle to cattle show;

(iv) disease;

(v) breaking of limbs;

(vi) loss or diminution of the specific function of the cattle for which they are kept or maintained by the insured party;

(b) provide veterinary services and medicines to the insured cattle and reimburse the insured party under the terms of the policy of cattle insurance for all expenses incurred by him in caring for his cattle whenever timely provision of such services is not possible by the Corporation;

(c) provide finances for cattle insurance.’.

Persons who can contract cattle insurance.

5. Cattle insurance may be contracted by a person on his own behalf or on behalf of a third party but in case of doubt it shall be assumed that the person applying for insurance is acting on his own behalf.

Insurance contract when to commence.

6. (1) In contracts for cattle insurance indemnity cover shall commence on the date on which the application was submitted, and the Corporation shall be at liberty to carry out such inspections as it deems appropriate.

(2) The duration of the contract shall be for a minimum of one year and shall terminate on the date indicated in the policy.

Extent of indemnity.

7. Indemnity cover under cattle insurance shall extend to the market value of the animal on the date of commencement of the contract and this value may increase under the terms of the policy of insurance which shall be in accordance with the general rules made by the Government in this behalf.

8. (1) The premiums to be charged by the Corporation for cattle insurance shall be so determined as to be sufficient to constitute the reserves required to cover the risks insured in the light of the respective actuarial compensations, account being taken of the general characteristics of the risks to be insured.

Premiums.

(2) The Corporation shall have the power to revise the rates of premium under the terms of the policy of insurance.

9. The Corporation shall determine the minimum percentage of premium revenue which may be allocated to meet the administrative costs of undertaking the business of cattle insurance and the items which may be included to constitute such costs.

Administrative costs.

10. Any person applying for cattle insurance and any insured party shall have the following obligations namely:—

obligations of the insured party.

(i) to furnish in the application truthful information with a view to facilitating the negotiation of the insurance contract and the appreciation of the risks;

(ii) to allow the personnel of the Corporation to inspect to its entire satisfaction the assets to be covered by the insurance contract;

(iii) to do everything in his power to prevent or attenuate the loss and to comply with the instructions of the Corporation for this purpose;

(iv) to pay premium within 15 working days following the date on which the policy is reviewed.

11. Failure to comply with the obligations provided for in section 10 shall be a cause for the annulment or rescinding of the policy of insurance and the total or partial forfeiture of the indemnity as may be prescribed by the regulations.

Annulment, etc. of policy of insurance

12. The Corporation shall be free from any obligation to the insured party in the following circumstances, namely:—

Corporation to be free from obligation in certain circumstances.

(i) on the occurrence of an event other than those covered under the contract of insurance;

(ii) if the Corporation has evidence that the insured party had furnished false information at the time of submitting application for insurance;

(iii) if the damage could have been avoided or is considered to have occurred as a result of any act or omission of the insured party;

(iv) if the damage is the result of an aggravation of the risk due to any act of the insured party; and

(v) if the aggravation of the risk was due to a third party but the insured party is found not to have taken the necessary steps to prevent it either personally or by informing the Corporation or the competent authority.

13. The insured party shall have the following rights, namely:—

Rights of the insured party.

(i) to be supplied with correct and timely information as to the conditions, requirements and formalities of the respective types of insurance to be fulfilled by the insured party;

(ii) to be supplied punctually with the policy containing the terms and conditions of insurance;

(iii) to furnish evidence at his disposal of the occurrence of any cohere event;

(iv) in the event of omission or non-performance by the Corporation, to appeal to the competent authorities to give evidence of any adverse event under the terms of regulations;

(v) to be paid any appropriate indemnity under the provisions of the Act and the rules or regulations made thereunder; and

(vi) such other rights as may be prescribed by the rules or regulations to be made under this Act, the relevant policy and provisions of any other law applicable.

Disease or loss of specific function when to be deemed to be present.

14. (1) In the case of cattle insurance, disease shall be deemed to be present from the moment the symptoms of the disease in question appear and the Corporation is satisfied that the pathological condition subsists.

(2) The risk of loss of specific function or of the capacity for production or re-production, whether totally or permanently, shall be deemed to have occurred from the moment the symptoms of loss in question appear and such circumstances are demonstrated to the satisfaction of the Corporation.

Extent of compensation.

15. (1) Compensation shall be determined in accordance with the terms of the policy, and in no circumstances the compensation shall exceed the indemnity cover provided for in the policy taken out for the insurance.

(2) The procedure for calculation of compensation shall be such as laid down in the policy itself, and the insured party shall have the right to participate in the adjustment procedure.

Time limit for payment of compensation.

16. (1) Within twenty working days following the date on which the report recording the damage is drawn up, the Corporation shall notify to the insured party whether it agrees or refuses to pay compensation, together with the reasons supporting the decision either way and shall, within fifteen working days following the date on which the insured party presents the final statement in sufficient detail, pay the relevant compensation.

(2) If the Corporation fails to make payment of compensation within the time limits provided for, it shall pay interest on the amount of the compensation remaining unpaid.

(3) Inspections, if any, necessary to be carried out in the case of an adverse event, shall be carried out by the Corporation within the time limit prescribed by regulations made under the Act and applicable in the respective cases.

Establishment of reserves.

17. The Corporation shall establish the following technical reserves, namely:—

(i) reserve for current risks;

(ii) reserve for obligations pending;

(iii) reserve for contingencies; and

(iv) such other reserves as the Government may by rules prescribe.

Annual statement etc. of cattle insurance.

18. The Corporation shall publish an annual statement showing the financial position and a statement showing operational results relating to cattle insurance.

STATEMENT OF OBJECTS AND REASONS

There is no provision for cattle insurance in our country so far except for the milch animals for which the loans are given by the banks if the loanees are willing to take it.

The price of cattle has gone up very high. With the development of dairy farming and with the introduction of the system of insemination and the growth of cross-breed milch animals the cost of such animals has grown very high.

Under the rural integrated development programme, even the poor people, Scheduled Castes and Scheduled Tribes are owning the milch animals costing Rs. 3000 to Rs. 5000. If the animals die of any disease they are not able to bear the loss and they are ruined economically.

It has, therefore, become necessary to bring the Cattle Insurance Bill.

NEW DELHI;
September 16, 1982.

P. RAJAGOPAL NAIDU

BILL No. 138 OF 1982

A Bill further to amend the Prevention of Food Adulteration Act, 1954.

Enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1982.

Insertion
of section
16A.

2 Section 16A of the Prevention of Food Adulteration Act, 37 of 1954. 1954 (hereinafter referred to as the principal Act), shall be renumbered as section 16B and before the section as so renumbered, the following new section shall be inserted, namely:—

Power
of court to
give
lesser
punish-
ment in
certain
cases.

“16A. Notwithstanding anything contained in section 16, the court may, for, reasons to be recorded in writing, give lesser punishment than the minimum prescribed in case of offences of selling, distributing or storing of articles of food by retailers, which prove to be adulterated but do not prove to be injurious to health.”.

3. In section 17 of the principal Act, in sub-section (4), for part (a) of the *Explanation*, the following shall be substituted, namely —

Amend-
ment of
section 17.

‘(a) “company” means and includes any body corporate, a firm or other association of individuals or any establishment run by the Government dealing in articles of food;’.

4. In section 20 of the principal Act,—

(i) sub-section (1) shall be omitted;

(ii) sub-sections (2) and (3) shall be renumbered as sub-sections (1) and (2) respectively thereof.

Amend-
ment of
section 20.

5. In ~~section~~ 20A of the principal Act, for the words “the court may,” the words “the court shall,” shall be substituted.

Amend-
ment of
section
20A.

STATEMENT OF OBJECTS AND REASONS

At present, if a person is convicted under any of the provisions of the Prevention of Food Adulteration Act, 1954, a minimum sentence of six months imprisonment has to be awarded. This provision was made in order to deter those who indulge in adulteration of articles of food. But in many cases and especially petty traders, who do business in villages, are very much harassed because of this provision. In some cases for no fault of such petty traders but because of provisions of law, such traders are convicted and no option is left to Judges but to send them to jail for a period of six months. This Bill seeks to give a discretion to Judges to give lesser punishment in cases where the article is proved to be adulterated but not injurious to health. There are some articles of food which get spoiled due to atmospheric changes and such articles are included in the definition of the word 'adulterated'. At least in such cases it is necessary to give discretion to Judges.

At present shops run by Government to deal in food articles are not covered by the provisions of the Prevention of Food Adulteration Act, 1954. There is no reason why such discrimination should be made. The Act should be made applicable to shops run by Government also and hence it has become necessary to expand the scope of the definition of the word 'company'.

Hence this Bill.

NEW DELHI;
September 25, 1982.

BAPUSAHEB PARULEKAR

BILL NO. 143 OF 1982

A Bill further to amend the Indian Penal Code, the Prevention of Corruption Act, 1947 and the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. This Act may be called the Criminal Laws (Amendment) Act, 1982.

Short
title.

Amendment of Indian Penal Code

45 of 1860.

2. In the Indian Penal Code, in section 21, after clause Twelfth, the following new clause shall be inserted, namely:—

Amend-
ment of
section 21.

“Thirteenth.—All elected and nominated representatives to Parliament, State Legislatures, Corporations, Zilla Parishads, Panchayat Samities, Gram Panchayats and to all Local and Public Bodies and Public Undertakings.”.

Amendment of the Prevention of Corruption Act, 1947

2 of 1947.

3. In section 5 of the Prevention of Corruption Act, 1947,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

Amend-
ment of
section 5.

“(2) Any public servant who commits criminal misconduct shall be punished with imprisonment for life, and shall also be liable to fine;

Provided that the court may, for any special reasons recorded in writing, impose a lesser sentence of imprisonment but in no case such a sentence shall be less than seven years.”;

(ii) in sub-section (3),—

(a) for the words “one year” and “seven years”, the words “five years” and “ten years” respectively shall be substituted;

(b) the proviso shall be omitted;

(iii) after sub-section (3B), the following new sub-section shall be inserted, namely:—

“(3C) Where a public servant is convicted under clause (e) of sub-section (1), all property found to be disproportionate to his known sources of income shall be confiscated and the amount of fine imposed under sub-section (2) or sub-section (3) shall be independent of this amount.”.

Amendment of the Code of Criminal Procedure, 1973

Omission of section 197.

4. Section 197 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act) shall be omitted.

2 of 1974.

Insertion of section 229A.

5. After section 229 of the principal Act, the following new section shall be inserted, namely:—

Written statement.

“229A. If the accused does not plead guilty and claims to be tried, the Court shall direct him to file his written statement to the charge and disclose his defence:

Provided that his failure to obey the direction of the Court shall be made the subject of comment by the Prosecution or the Court and give rise to any presumption against him.”.

Amendment of section 230.

6. In section 230 of the principal Act, the word and figure “section 229”, the words and figure “and after the accused has filed his statement under section 229A” shall be inserted.

Insertion of section 241A.

7. After section 241 of the principal Act, the following new section shall be inserted, namely:—

Written statement.

“241A. If the accused does not plead guilty and claims to be tried, the Court shall direct him to file his written statement to the charge and disclose his defence:

Provided that his failure to obey the direction of the Court shall be made the subject of comment by the Prosecution or the Court and give rise to any presumption against him.”.

Amendment of section 242.

8. In sub-section (1) of section 242 of the principal Act, after the word and figure “section 241”, the words and figure “and after the accused has filed his statement under section 241A” shall be inserted.

9. In section 246 of the principal Act,—

Amend-
ment of
section
246.

(i) after sub-section (3), the following new sub-section shall be inserted, namely:—

“(3A) If the accused does not plead guilty and claims to be tried the Court shall direct him to file his written statement to the charge and disclose his defence:

Provided that his failure to obey the direction of the Court shall be made the subject of comment by the Prosecution or the Court and give rise to any presumption against him.”;

(ii) in sub-section (4), after the word and figure “sub-section (3)”, the words and figure “and after the accused has filed his statement under sub-section (3A)” shall be inserted.

10. For section 272 of the principal Act, the following section shall be substituted, namely:—

Substitu-
tion of
section
272.

“272. The language of each Court within the State, other than the High Court, shall be either the regional language of the State or Hindi.”.

Language
of Courts.

11. For section 314 of the principal Act, the following section shall be substituted, namely:—

Substitu-
tion of
section
314.

“314. (1) Any party to a proceeding may, as soon as may be, after the close of his evidence shall submit a memorandum to the court setting forth consisely and under distinct headings, the arguments in support of his case, and every such memorandum shall form part of the record.

Memo-
randum
of argu-
ments
and oral
argu-
ments.

(2) A copy of every such memorandum shall be simultaneusly furnished to the opposite party.

(3) The Court may, if it is of opinion that the oral arguments are necessary, may ask the parties to address concise oral arguments on certain points to seek clarification.

(4) If the parties have raised any new points in their oral arguments to which no reference has been made in the written arguments, the parties shall have a right to address oral arguments on those points only.”.

12. For section 315 of the principal Act, the following section shall be substituted, namely:—

Substitu-
tion of
section
315.

“315. (1) Any person accused of an offence before a criminal court, after his examination under section 313 is recorded, shall offer himself as a witness and give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Accused
person
to give
evidence.

Provided that his failure to give evidence and explain circumstances appearing in evidence against him shall raise a presumption that he is guilty of the offence charged against him.

(2) Any person against whom proceedings are instituted in any criminal court under section 98, or section 107, or section 108, or section 109, or section 110 or under Chapter IX or under Part B, Part C or Part D of Chapter X, shall give evidence in the proceedings in disproof of the allegations made against him or against any other person proceeded against together with him at the same inquiry:

Provided that his failure to give evidence and explain circumstances appearing against him shall raise presumption that he is guilty of allegations made against him:

Provided further that the court at the time of cross-examination of the accused shall see that he is not compelled in terms to admit the offence charged against him.”.

Amend-
ment of
section
319.

13. In section 319 of the principal Act, in sub-section (1), for the word “may”, the word “shall” shall be substituted.

Amend-
ment of
section
375.

14. The following proviso shall be added to section 375 of the principal Act, namely:—

“Provided that the accused has not challenged his plea of guilt on the ground that the said plea was recorded wrongly, improperly, or because of misrepresentation.”.

Omis-
sion of
section
376.

15. Section 376 of the principal Act shall be omitted.

Amend-
ment of
section
389.

16. In section 389 of the principal Act, in sub-section (3), after the words “sentence of imprisonment”, the words “and fine” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

There is a persistent demand that provisions of the Prevention of Corruption Act, 1947 be made applicable to representatives of the people elected or nominated to local and public bodies and to public undertakings. Especially the provisions of section 5(1) (e) of the Act which make the accumulation of property disproportionate to one's income a penal offence, are not applicable to such class of representatives as they are not public servants according to law. Hence it is necessary to expand the scope of the definition of public servant as given in section 21 of the Indian Penal Code by including such representatives in the definition.

In order to eradicate the evil of corruption it is necessary to make the punishment more deterrent. Maximum punishment provided under section 5 of the Prevention of Corruption Act is only 7 years and powers have been given to court to award lesser punishment of not less than one year. If decisions of court cases under the Prevention of Corruption Act are taken, it would be seen that invariably in many cases the judges give punishment of one year's rigorous imprisonment and in very few cases punishment of more than one year is given. In order to prevent this abuse of law and in order to punish corrupt public servants it is necessary to prescribe life sentence to such offenders and give discretion to judges to give lesser sentence in certain given circumstances and that too not below seven years. In order to achieve these objectives amendment is sought to section 5 of the Prevention of Corruption Act.

In case of conviction under section 5(1) (e) of the Prevention of Corruption Act accumulation of property disproportionate to income is made penal. But there is no provision directly for confiscation of ill-got property. The result is that after the person comes out after undergoing the jail term, he very well leads a good life with this ill-got money. It is therefore necessary to have a direct provision in law to confiscate all such property.

Section 197 of Criminal Procedure Code safeguards the interest of public servants from prosecution. This provision can be misused. Even if a *prima facie* case is made, sanctioning authorities refuse to give permission to prosecute for more than one reason. Apart from the fact that this is a discretionary provision, it is unjust also. It is said that this provision is introduced to check frivolous prosecutions against public servants. There are various provisions in law to check the frivolous prosecution. Time has come to put an end to this provision of law which British rulers introduced to protect their own men.

Under the present law the accused has a right to be tight lipped till the entire evidence of prosecution is over. The prosecution remains in

the dark till last moment as to what is the defence of the accused. To meet all possible defences of accused the prosecution has to lead voluminous evidence which is unnecessary. If the accused are made to disclose their general defence immediately after the charge is framed, much of the evidence of prosecution can be curtailed, time can be saved and expenses curtailed.

Under the present system of law the accused has a right to cross examine the complainant in order to find out the truth. But this right is denied to complainant. If accused is made to enter the witness box, it would assist the court in reaching a proper conclusion and it would do justice to the complaint. Such provisions are prevalent under European jurisprudence. Time has come to change our legal system and doing so it is necessary to amend section 315 of Criminal Procedure Code.

Hence the Bill.

NEW DELHI;
September 25, 1982.

BAPUSAHEB PARULEKAR

BILL NO. 139 OF 1982

A Bill to provide for equal sharing of ancestral property among the boys and the girls.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Equal Sharing of Ancestral Property Act, 1982.

Short
title, ex-
tent and
commence-
ment.

(2) It shall extend to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “ancestral property” means property of the ancestors;

(b) “parents” means father and/or mother.

3. Notwithstanding anything contained in any other law for the time being in force, the girls shall have equal share alongwith the boys in the ancestral property possessed by the parents.

Equal
share to
girls and
boys in
the ances-
tral pro-
perty.

STATEMENT OF OBJECTS AND REASONS

There is no equal share for the girls with the boys in the ancestral property of the family. This is causing many difficulties to the girls.

The evil of dowry system is resulting in atrocities committed against the women in the houses of their in-Laws. It is due to the fact that the girls are not having any share in the property of the family except in the share which comes to their parents that too after their death. As a result they will not usually get property and the father or the brothers of the girls may not give enough cash or land or other property which will satisfy their husbands or the parents of their husbands. This is resulting in the ill-treatment of the girls. If the girls have equal share as boys in their ancestral property then this evil will be reduced to the minimum.

Hence this Bill.

NEW DELHI;

October 4, 1982.

P. RAJAGOPAL NAIDU

BILL No. 140 of 1982

A Bill further to amend the Land Acquisition Act, 1894.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Land-Acquisition (Amendment) Act, 1982.

Short
title
and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

1 of 1894.

2. In section 3 of the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), in clause (f), the following shall be added at the end, namely:—

Amend-
ment of
section 3.

“Includes acquisition of a building for the cooperative housing society of the occupants thereof; and”.

3. In the principal Act, after Part VI, the following Part shall be inserted, namely:—

Insertion
of Part
VI-A.

“Part VI—A

ACQUISITION OF BUILDINGS FOR COOPERATIVE SOCIETIES OF THE OCCUPANTS

37A. Notwithstanding anything contained in this Act, the provisions of this Part shall apply to the acquisition of buildings situated in cities having a population of not less than one lakh.

Applica-
tion of
this
Part.

Definitions
applicable to
Part
VI-A.

37B. In this Part, unless the context otherwise requires—

(a) “building” means a house owned by a landlord, the whole or a major portion of the carpet area of which is divided into not less than five tenements which are used for residential purposes and includes land underneath and appurtenant thereto;

(b) “date of construction of building” means the date on which the completion certificate of the building was granted by the appropriate local authority, originally;

*Explanation:—*The date or dates on which additions, alterations and/or renovations to the building were made subsequently shall be disregarded.

(c) “encumbrance” means a right to or interest in a building or any part thereof and includes a claim by way of lien, lease, charge, mortgage, or otherwise whatsoever;

(d) “landlord” means the legal owner of a building who is entitled to recover its rent on his own account and includes a joint family, a firm, a company, a society, a trust, a group of persons or otherwise by whatsoever name called, but does not include—

(i) a co-operative housing society, or a company formed, registered or incorporated under the appropriate law, with the object of owning the building or tenements therein by the occupants thereof;

(ii) a public trust;

(iii) a local authority;

(iv) a Government company, corporation or undertaking;

(v) the Government; and

(vi) any other body specifically declared by the appropriate Government in the prescribed manner;

(e) “net average monthly income of building” means seven per cent of the balance of the total amount of rent received or receivable by the landlord from the occupants of the building during the calendar year immediately preceding the year in which the notice under section 37E of this Act is served on the landlord, left after deducting therefrom the total charges recovered or recoverable by the landlord on account of special services such as electricity, water, taxes, cesses, duties and all other liabilities and outgoings payable or paid by the landlord to the local authorities, appropriate Government and other public bodies during the said calendar year; and

“net average monthly income of a tenement” shall be construed accordingly;

(f) “occupant” means the person who is in actual Lawful possession of the tenement on 2 October, 1982:

Provided that he is—

(i) a tenant; or

(ii) a landlord, if he occupies a tenement in the building; or

(iii) a person otherwise protected under the appropriate law to use and occupy the tenement on his own account;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "society" means a cooperative housing society formed under provisions of this Part;

(i) "tenant" means a person by whom or on whose account the rent of the tenement is payable and includes a member of his family, his heir, lawful sub-tenant, transferee, or assignee, and a member of the family, heir or any of them;

(j) "tenement" means a part of a building consisting of a room or a group of rooms let or intended to be let or occupied as a separate unit.

37C. (1) At any time after ten years from the date of construction of a building its occupants, not less than two-thirds of their total number and occupying a major portion of the carpet area of the building, may apply in the prescribed form to the appropriate Government or to the authority appointed by the appropriate Government in the prescribed manner, for registration of their co-operative housing society.

Regis-
tration
of society.

(2) The landlord of the building, if he occupies tenement in the building, can become a member of the society.

(3) If an occupant, including the landlord, is not willing to join the society, it may, at its discretion, retain him as a tenant of the society, subject to such terms and conditions as may be determined by the society.

(4) For forming a society under this Part, the minimum number of members shall be five.

(5) On the receipt of the said application the appropriate Government or the said authority, as the case may be, shall register the said society as expeditiously as possible, within a period not exceeding six months.

37D. (1) On registration of the said society, the society shall apply in the prescribed form to the appropriate Government for the acquisition of the said building for the said society.

Acqui-
sition of
building.

(2) On receipt of the said application, the appropriate Government shall acquire the said building for the said society.

37E. (1) Within thirty days from the receipt of the application for acquisition of a building as mentioned in section 37D, the appropriate Government or the authority appointed by the appropriate Government in the prescribed manner, shall issue a written notice of intention to acquire the said building, in the prescribed form, to the landlord.

Procedure
for acqui-
sition of
build-
ings.

(2) The Landlord may, within twenty-one days from the receipt of the said notice, submit his objections to the acquisition of the said building.

(3) On the receipt of the landlord's objections or after the expiry of the said period of twenty-one days, the landlord shall be heard in person or through a representative duly appointed by him, within a month.

(4) After the hearing of the objections or if the landlord does not choose to submit his objections, or does not appear to be heard in person or through his representatives after an expiry of one month and twenty-one days from the service of notices on the landlord under sub-section (1), the appropriate Government or the said authority, as the case may be shall pass an award in the prescribed form, at any time within a period of forty-two days and a copy of the award shall be served on the landlord and the society immediately.

Vesting of building.

37F. As soon as the award is passed the building shall, on the first day of the month next after the date of award, vest in the society free from all encumbrances subsisting thereon on the said day:

Provided that where the land underneath and appurtenant to the building belongs to a public trust or a local authority; or a Government company, corporation or undertaking, or the Government or any other body specifically declared by the Government in the prescribed manner, their title to the said land shall not be divested.

Price of building.

37G. (1) The price of a building shall be computed as follows:—

<i>Age of the Building</i>	<i>Amount of price as multiple of net average monthly income of the building</i>
(i) Not more than 12 years	100 times
(ii) More than 12 years but not more than 20 years	90 times
(iii) More than 20 years but not more than 30 years	75 times
(iv) More than 30 years but not more than 40 years	60 times
(v) More than 40 years but not more than 50 years	50 times
(vi) More than 50 years	40 times

Explanation.—Age of a building shall be counted from the date of construction of that building.

(2) Where the land underneath and appurtenant to the building or any part thereof is held on lease for the construction of the building, then—

(a) if the land belongs to a public trust, or a local authority, or a Government company, corporation or undertaking, or the Government or any other body specifically declared by the Government in the prescribed manner, the price of the building without the land, shall be the amount computed under sub-section (1) of this section, reduced by ten times the annual rent under the said lease;

(b) if the land belong to any other person, the lessor's share in the sale price of the building shall be—

(i) rupees ten per square metre;

or

(ii) one-fifth of the said price of the building, if the building is more than thirty years old;

or

(iii) on tenth of the said price of the building in other cases, whichever is less.

37H. The society shall pay to the landlord as price of the said building the amount fixed under section 37G, in the following manner:—

Mode of
payment
of price.

(i) first instalment equal to twenty per cent. of the price, within three months from the date on which the building vests in the society;

(ii) the balance of the price shall be paid to the landlord in eight equal annual instalments with interest at six per cent. per annum on the reducing balance.

(iii) if the landlord fails to accept or is not available for receiving the instalments of the price, the amounts of the said instalments shall be deposited with the authority passing the award.

37I. (1) If there is any encumbrance on the said building, both the landlord and the person having an encumbrance in the said building shall inform the appropriate Government or the authority appointed by the appropriate Government in the prescribed manner, on or before the expiry of three months from the date of vesting of the building in the society and in that event the instalments of the price of the said building shall be deposited with the authority passing the award who shall make the payment to the encumbrance and shall pay the balance, if any, to the landlord.

Compensation
for encum-
brance.

(2) If the price of the building as computed under section 37G is less than the amount of encumbrance, the compensation for the encumbrance shall be equal to the said price and the entire amount of price shall be paid to the encumbrancer.

37J. All encumbrances created after one month from the date of coming into force of the Land Acquisition (Amendment) Act, 1982, shall be void.

Subsequent
encum-
brances
void.

37K. In case of default in payment of instalments of price of the building, the arrears shall be recovered by the Government as arrears of land revenue:

Default
of pay-
ment of
price.

Provided that where the occupant member of the society is a salary earner, his employer shall, on request from the society, deduct the instalment of the contribution to be paid by the said occupant member to the society, from his salary every month and shall pay it to the society.

Contri-
bution of
members
to the
price of the
build-
ing.

37L. The contribution to the price of the building by the occupant member shall be as under:—

(a) the occupant of residential tenement shall pay in proportion equal to the net average monthly income of his tenement;

(b) the occupant of non-residential tenement shall pay in proportion equal to two-and-half times the net average income of his tenement.

Non-
occu-
pant to
vacate.

37M. A person who is not an occupant shall vacate the tenement or any part thereof in his possession on or before the expiry of one year from the date of vesting of the building in the said society and in case of his failure to vacate, he shall be treated as a trespasser and shall be summarily evicted.

Settle-
ment of
dis-
putes.

37N. All questions arising in the implementation of the provisions of this Part, after vesting of the building in the society, shall be treated as disputes involving the society and shall be dealt with and decided as such disputes under the law relating to cooperative societies prevailing in the respective States or Union territories, irrespective of the status of the parties and claims involved in the disputes.

Pending
suits
to be
drop-
ped.

37O. All suits or other proceedings, including appeals and applications and petitions under the constitution, for eviction of occupants, except those on the ground of reasonable and *bona fide* requirement for personal use by the landlord pending before any Court, Tribunal or other authority shall be dropped.

Applica-
tion of
the law
re-
lating to
coopera-
tive
societies.

37P. The society registered under this Part shall, except as otherwise provided under this Part, be governed by the law relating to cooperative housing societies prevailing in the States or Union territories, as the case may be.

Certain
Acts
not to
apply to
acquir-
ed build-
ings.

37Q. On vesting of the building in the society the rent restriction Acts prevailing in the respective States or Union territories shall not apply to such buildings.

Over-
riding
effect of
Part
VI-A.

37R. The provisions of this Part shall take effect notwithstanding anything contained in any other law for the time being in force.”

STATEMENT OF OBJECTS AND REASONS

The problem of housing has assumed an enormous proportion, especially in big cities. It is agitating the minds of economists, sociologists, politicians and administrators for long. The continued influx of people in the cities has made the problem more acute. It has resulted in the exploitation of the needy in all possible directions. In view of this, it did not any more remain a matter of private individual interest between the landlord and the tenant. It has assumed a great public importance and the Government has to intervene to stop the inhuman exploitation and harassment of the tenant. Rent restriction laws were, therefore, required to be enacted in almost all States.

These laws created new problems. The legal proceedings for fixation of "fair" or "standard" rent flooded the courts. As a counter measure by landlords, the number of eviction proceedings against the tenants did not lag behind. Avoidable disputes became inevitable causes of disturbing the peaceful relations between the landlord and the tenant.

The inflation and consequent reduction of value of rupee posed another problem before Governments with reference to fixed "fair" or "standard" rents. A new concept of "permitted increases" was required to be introduced. But, this measure did not satisfy the landlord.

Thus, both landlords and tenants did not care to maintain the house property properly. The house property is, as any other property, the nation's wealth and deserves full protection from waste and neglect.

Under these circumstances, the protection of house property has become a public purpose and demands an immediate attention. It is a matter of experience that, at present, the landlords are, by and large, mere collectors of unearned incomes of rent and they are not so much interested in the proper up-keep, maintenance and preservation of their house property. It is also a reality that the occupants of a building who use the building for their own purpose are the real beneficiaries of this national wealth and it is in their interest that the building should be properly protected and preserved. It is, therefore, expected that this can be done and achieved only if the occupants of a building understand their interest and come forward to take the responsibility. But the main hurdle in the process is the existence of the landlord on the scene. Avoidable disputes are created and litigations between the landlords and tenants are thrust upon and piled up in Courts both civil and criminal. To avoid these disputes and litigations by which the nation's wealth as well as a lot of energy, money and time of both the citizens and courts are wasted, and to achieve the aforesaid objectives, it is necessary to remove the landlord from the scene by acquiring the building for the cooperative housing society of the occupants at a predetermined price.

This Bill seeks to achieve this objective.

A. T. PATIL

NEW DELHI;
October 5, 1982

BILL NO. 144 OF 1982

A Bill to provide for the establishment and control of National Parks and for matters connected therewith.

BE it enacted by Parliament in the Thirty-third year of the Republic of India as follows:—

Short
title,
extent
and com-
mence-
ment.

1. (1) This Act may be called the National Parks Act, 1982.
- (2) It shall extend to whole of India.
- (3) It shall come into force at once.

Defini-
tions.

2. In this Act, unless the context otherwise requires,—

(a) “Director General” means the Director-General of Wild Life and National Parks appointed under section 7;

(b) “Gazette” means the Gazette of India;

(c) “National Park” means a National Park established under section 3;

(d) “Officer” means the Director-General or any other person referred to in section 7.

3. (1) The State Government may on the request of the Central Government reserve any land in the State (including any marine area) for the purpose of a National Park under a name to be assigned to it by the Central Government.

(2) After the land is so reserved by the State Government, the Central Government may declare its intention to constitute such area as a National Park.

(3) The area so reserved shall be placed under the control of a National Park Committee established under section 6.

(4) The reservation of land under this section shall not be revoked except with the concurrence of the Minister concerned in writing.

(5) Any reservation of land under this section shall be notified in the Gazette and such notification shall—

(a) describe the reserved land;

(b) designate the authority having the control of the land so reserved;

(c) be conclusive evidence that the land so described is reserved for the purpose of this Act.

4. (1) There shall be a National Parks Advisory Council which shall consist of the following member, namely:—

(a) a Chairman to be appointed by the Central Government;

(b) one representative nominated by the State Government from each of the States in which there is a National Park or part thereof;

(c) the Director-General of Wild Life and National Parks;

(d) a representative of the Department of Planning and Development of the State;

(e) a representative of the Tourism Development Corporation, if any, of the State;

(f) a representative of the Department of Forest of the State;

(g) not more than five persons to be appointed by the Central Government.

(2) A member appointed under clause (a) or (g) of sub-section (1) shall hold office for such period of time as the Central Government may decide and that Government may at any time remove him from office without assigning any reason therefor.

5. (1) The National Parks Advisory Council shall advise the Central Government on matters relating to the conservation, utilization, care of National Parks, declared as such by the Central Government, and such other matters as that Government may from time to time refer to it or on matters which it considers necessary on its own.

(2) Subject to regulations made under this Act, the Advisory Council shall determine its procedure at its sittings.

Reser-
vation of
land and
declara-
tion of
National
Parks.

Forma-
tion of
Advi-
sory
Council.

Function
of Advi-
sory
Council.

Formation of Committee for each National Park.

6. (1) A Committee shall be constituted by the Central Government for each National Park consisting of the following members, namely:—

(a) the Secretary of the Forest Department of each State within which the National Park is situated;

(b) a representative each of such departments of the Government of the State as the Central Government may consider necessary to be represented;

(c) such other persons not exceeding three in number as the Central Government may appoint and the provisions of sub-section (2) of section 4 shall apply *mutatis mutandis* in the case of an appointment under this clause.

(2) The Secretary of the Forest Department of the State shall be the Chairman of the Committee, but where a National Park is situated within two States or more, the Secretaries of Forest Departments of such States shall act as Chairman in rotation and, subject to regulations made under section 11, the Committee shall determine its procedure at its sittings.

(3) A Committee constituted under this section shall be responsible for the conservation, utilization, care, control, management and development of National Park for which it is constituted and, in discharging its responsibility under this Act, the Committee shall act on such directives as the National Parks Advisory Council may issue from time to time.

Appointment of Director-General, etc.

7. The Central Government shall, for purposes of this Act, appoint a Director-General of Wild Life and National Parks, and such other officers and employees as may be necessary.

Functions of the Director-General.

8. (1) The Director-General and other officers appointed by the Central Government shall be responsible for the proper carrying out of the provisions of this Act and in so doing persons shall be referred to by the designation given to them under this Act.

(2) The Director-General shall have the general supervision and direction of all matters relating to National Parks.

(3) The Central Government may from time to time give the Director-General directions of a general character and not inconsistent with the provisions of this Act as to the exercise of the powers conferred on, and the duties to be discharged by the Director-General under this Act and the Director-General shall give effect to all such directions.

Giving leases in National Parks.

9. (1) The State Government may with the concurrence of the Central Government lease or permit the use or occupation of any land within a National Park subject to such conditions and restrictions as it thinks fit to impose and for any of the following purposes only, namely:—

(a) the construction and maintenance of roads;

(b) the construction and maintenance of air strips;

(c) the construction and maintenance of dams and reservoirs;

(d) the construction and maintenance of hotels, rest houses, dwelling houses, buildings and works of public utility, where the State Government considers any of these purposes to be necessary and in the interests of the development of the National Parks;

(e) mining or prospecting in accordance with the provisions of section 10.

(2) Any land leased by the State Government or in respect of which any use or occupation has been permitted by the State Government under sub-section (1), shall continue to form part of National Park and the subject to the provisions of this Act, and of any regulations made thereunder save in so far may be set out in any condition or restriction imposed by the State Government under sub-section (1).

(3) Subject to this Act, any lease or permit to use or occupy land under this section shall be issued in accordance with the regulations hereafter provided.

(4) Save by virtue of any right conferred by or acquired under or in respect of any lease or permit under sub-section (1) or as otherwise in this Act provided, no person other than an officer may reside on, enter, use or occupy any land within and forming part of a National Park without the permission of the Director-General.

10. (1) Except as provided in sub-section (2) of this section, no mining or prospecting operations shall be carried on within a National Park.

Mining
leases.

(2) If at any time the State Government has reason to believe that in a particular portion of a National Park a mineral deposit exists of such richness that it would be contrary to the interests of the State that it should not be mined, the State Government may with the concurrence of the Central Government issue, under the law relating to mining, licences to prospect that portion of the National Park and if necessary issue thereafter mining certificates or mining leases in respect of that portion of the National Park or of any part of that portion.

(3) Where any mining certificate or mining lease is used in respect of any land within a National Park, the holder of the certificate or the lease shall have such rights of passage, licences or other facilities as may be necessary for the practical exercise of the rights guaranteed by such certificate or lease.

(4) Notwithstanding anything in the law relating to mining, there shall be an implied condition in a mining certificate or mining lease issued pursuant to this section that any officer shall have such rights of entry into the land in respect of which a licence to prospect, a mining certificate or a mining lease has been issued as may be necessary in order that he may carry out the object of this Act in respect of such land of the National Park generally.

11. (1) The Central Government may make regulations, not inconsistent with this Act, as to any or all the following matters, namely:—

(a) the exclusion of members of public from certain areas within a National Park;

Power of
Central
Govern-
ment to
make
regula-
tions.

(b) the prohibition of the killing, maiming, trapping, capturing or impounding of any wild life within a National Park and the disposal of such wild life killed, maimed, trapped, captured or impounded;

(c) the prohibition of such animals, as may be specified, from being taken into or remaining within a National Park;

(d) the burning and cutting of vegetation within a National Park;

(e) the disposal of wild life, vegetation or other things formed within a National Park;

(f) the search of any person suspected of contravening any regulation made under this Act;

(g) the periods and times within which the public may have access to a National Park or any part thereof;

(h) the regulation of the conduct, obligation and duties of persons residing or travelling or camping in a National Park and the safety of persons visiting such Park and their liability for all reasonable expenses incurred in connection with searches to find persons who have become or are reasonably believed to have become lost therein;

(i) the fees for the issue of permits to enter into or camps within a National Park, for the admission of vehicles into and the taking of photographs within a National Park or for the services connected with the use of enjoyment of a National Park;

(j) the protection, preservation and care of a National Park and of permanent works and works of maintenance and of facilities and amenities and of wild life, and regulation and features of science, and scientific or historical interest therein;

(k) the regulation of traffic and carriage of passengers within a National Park;

(l) the seizure and disposal of any vehicle, vessel, animal or other article or thing in respect of which there is a contravention of any regulation made under this Act;

(m) penalties in respect of the contravention of any regulation made under this Act;

(n) the construction and maintenance of hotels, rest houses, dwelling houses, buildings and works of public utility;

(o) the powers and duties of officers in relation to the carrying out of the provisions of this Act and regulations made thereunder;

(p) the procedure to be adopted by the National Parks Committees at their meetings and the remuneration or allowances to be paid to members thereof;

(q) such other matters as the Central Government may consider necessary for the efficient control and management of a National Park or for the attainment of the object of its establishment.

(2) The Central Government may make different regulations under sub-section (1) of this section in respect of different National Parks.

STATEMENT OF OBJECTS AND REASONS

The object of the establishment of National Parks is the preservation and protection of wild life, plant life and objects of geological, archaeological, historical and other scientific and scenic interest and through their conservation and utilization to promote the education, health, aesthetic values of recreation of the people.

NEW DELHI;
October 5, 1982.

P. RAJAGOPAL NAIDU

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the formation of a National Parks Advisory Council; clause 6 for formation of a Committee for each National Park; and clause 7 for appointment of a Director-General of Wild Life and National Parks and such other officers and employees as may be necessary. Payment of travelling allowance, etc. to members of the Advisory Council and National Park Committees, and salaries to Director-General and other officers is likely to involve an annual recurring expenditure of about Rs. 10 lakhs from the Consolidated Fund of India.

An amount of about Rs. 10 lakhs will also be involved from the Consolidated Fund of India towards non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Under clause 10(1), State Government is empowered to prescribe conditions and restrictions to be imposed on leasing out land in National Parks. Under clause 11 the Central Government may make regulations for certain matters given under that section. Since the regulations to be made will provide for matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 141 OF 1982

A Bill to provide for utilising revenue earned from forest produce for the purpose of forestry.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Forest Revenue (Conservation) Act, 1982.

(2) It extends to whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or any other authority appointed by it shall make any order for utilising net revenue earned from the forest produce for any purpose other than the forestry.

Short
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Revenue
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STATEMENT OF OBJECTS AND REASONS

Due to increase in population and forest based industries, the demand for various types of timber has increased 800 times more than the output the present forests can give. The result is that deforestation has taken place on a large scale in the country and it has caused widespread concern.

The respective State Governments have failed to do required afforestation due to non allotment of required funds and utilising the revenue earned from forest produce for other non-forestry purposes. For example in the year 1976 the net revenue earned from forest produce was Rs. 1998.66 million while investment for Plan and development was Rs. 443.23 million and the balance amount was used for other purposes.

With a view to growing more forest, the revenue earned from forest produce should be conserved and utilised for forest development purposes only.

Hence this Bill.

NEW DELHI;
October 5, 1982.

G. NARSIMHA REDDY

AVTAR SINGH RIKHY,
Secretary